IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.825 OF 2005

M/s.Padma Trading Co.
and Anr. ..Petitioners

Vs.

Anchor Daewoo Industries
Ltd.& Anr. ..Respondents

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Mr.Prakash Naik for K.S.Dewal
Advocate for Petitioners
Mr.R.S.Patil for Respondent No.1
Ms.M.M.Deshmukh A.P.P. for the State

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CORAM: A.M.KHANWILKAR,J.
DATE : DECEMBER 8, 2005

P.C.

1. By this petition, it is prayed that order issuing process passed by the trial Court against the Petitioners be quashed and set aside. The grounds urged in this petition can be effectively addressed in the revisional jurisdiction by the Sessions Court. As alternative efficacious remedy is available to the Petitioners by way of revision before the Sessions Court in view of the decision of this Court in the case of **V.K.Jain & Ors. Vs. Pratap V.Padode reported in 2005(3) Mh.L.J.778**, no interference is warranted in writ jurisdiction.

2. In the present case, however, the petitioners had filed revision application before the Sessions Court but the same was withdrawn on 18.11.2004 on the legal advice given that such proceedings were not available to the petitioners. Now the legal position has been settled in the recent decision of this Court referred to above. Accordingly, instead of entertaining this petition, the petitioners will have to be relegated to the remedy of revision which may be filed within four weeks from today. No precipitative steps be taken against the petitioners for a period of four weeks from today. Proposed revision application if filed by the petitioners, be considered on merits in accordance with law. The Sessions Court will take into consideration time spent by the petitioners in persuing the remedy before this Court while examining the delay in filing the revision if any. All questions are left open.

3. Petition disposed of on the above terms.

[A.M.KHANWILKAR, J.]